

Message Text

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TRSE-00 OMB-01 /067 W
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P R 231702Z MAY 78
FM AMEMBASSY BONN
TO SECSTATE WASHDC PRIORITY 8783
INFO AMEMBASSY BERLIN
AMEMBASSY LONDON
AMEMBASSY MOSCOW
AMEMBASSY PARIS
AMEMBASSY THE HAGUE
USMISSION USBERLIN
USMISSION USNATO

C O N F I D E N T I A L SECTION 01 OF 03 BONN 09430

E.O. 11652: GDS
TAGS: PGOV, BQG
SUBJECT: FRG PAPERS ON BERLIN GOVERNING MAYOR STOBBE'S
PRESIDENCY OF THE BUNDESRAT

REF: BONN 5555 (NOTAL)

SUMMARY: AS PROMISED SEPTEL, THERE FOLLOW INFORMAL
TRANSLATIONS OF TWO PAPERS PREPARED BY THE FRG FOR BONN
GROUP CONSIDERATION CONCERNING STOBBE'S ASSUMPTION OF
THE BUNDESRAT PRESIDENCY. THE PAPERS, THE GERMAN-
LANGUAGE VERSIONS OF WHICH WERE POUCHED TO THE DEPART-
MENT (EUR/CE) AND USBER, DESCRIBE THE CUSTOMARY
PRACTICE OF THE BUNDESRAT PRESIDENT IN EXERCISE OF HIS
OFFICE AND WHEN ACTING FOR THE FRG PRESIDENT AS WELL AS A LIST
OF SENSITIVE POINTS REGARDING WHICH STOBBE, IN THE
EXERCISE OF HIS NEW OFFICE, WILL EXERCISE RESTRAINT.
END SUMMARY
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L. BEGIN TEXT

I. CUSTOMARY PRACTICE OF THE BUNDESRAT PRESIDENT IN
EXERCISE OF THE BUNDESRAT PRESIDENCY AND IN
EXERCISE OF THE AUTHORITY OF THE FEDERAL PRESIDENT

EXERCISE OF THE OFFICE OF BUNDESRAT PRESIDENT

(1) IN GENERAL, IT IS THE PRACTICE OF THE LAENDER MINISTER-PRESIDENTS TO EXERCISE THE OFFICE OF BUNDESRAT PRESIDENT IN BONN. THE MOST THAT WAS DONE IN THE LAND CAPITALS WAS THE SETTING OF APPOINTMENTS AND OCCASIONALLY THE SIGNING OF INDIVIDUAL PROCEEDINGS ("VORGAENGE").

(2) FUNDAMENTALLY, THE WORK OF THE BUNDESRAT PRESIDENT IS PREPARED BY THE ADMINISTRATION OF THE BUNDESRAT, WHICH IS ASSISTED BY THE RELEVANT LAND REPRESENTATION IN BONN.

EXERCISE OF THE AUTHORITY OF THE FEDERAL PRESIDENT
BY THE BUNDESRAT PRESIDENT (ARTICLE 57 OF THE BASIC LAW)

(1) IN THE EVENT THE FEDERAL PRESIDENT IS UNABLE TO EXERCISE HIS OFFICE, HE WRITES IN ADVANCE TO THE BUNDESRAT PRESIDENT, INFORMS HIM OF THE DURATION OF HIS INCAPACITY, AND REQUESTS THAT THE BUNDESRAT PRESIDENT, "IN ACCORDANCE WITH ARTICLE 57 OF THE BASIC LAW, EXERCISE THE AUTHORITY OF THE FEDERAL PRESIDENT." IN THE EVENT OF AN UNFORESEEN CASE OF INCAPACITATION, THE OFFICE OF THE FEDERAL PRESIDENT DIRECTS THE SAME REQUEST BY TELEPHONE TO THE APPROPRIATE
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STATE CHANCELLERY.

(2) AS THE NEXT STEP, ALL SUPREME FEDERAL AUTHORITIES AND ALL LAND GOVERNMENTS ARE INFORMED. (THE AUTHORITIES CONCERNED THEN MODIFY LETTERS OF APPOINTMENT AND DOCUMENTS ON THE AWARDING OF MEDALS. THESE ARE THEN SIGNED BY THE BUNDESRAT PRESIDENT, USING THE FORMULATION, "IN EXERCISE OF THE AUTHORITY OF THE
FEDERAL PRESIDENT...")

(3) THE DIPLOMATIC CORPS IS NOT INFORMED OF THE FEDERAL PRESIDENT'S REPRESENTATION BY THE BUNDESRAT PRESIDENT.

(4) WHEN THE BUNDESRAT PRESIDENT IS ALSO INCAPACITATED, THE FIRST VICE-PRESIDENT OF THE BUNDESRAT ACTS AS FEDERAL PRESIDENT.

(5) THE OFFICE OF THE FEDERAL PRESIDENT REACHES AN ARRANGEMENT WITH THE CHANCELLERY OF THE LAND WHOSE MINISTER-PRESIDENT IS BUNDESRAT PRESIDENT AS TO THE EXTENT TO WHICH THE FUNCTIONS OF THE OFFICE ARE PER-

FORMED IN BONN OR IN THE LAND CAPITAL. THESE ACTIVITIES
ARE PERFORMED PREDOMINANTLY IN BONN. TO BE SURE, THERE

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INFO AMEMBASSY BERLIN
AMEMBASSY LONDON
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AMEMBASSY PARIS
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ARE DIFFERENCES. MINISTER-PRESIDENT KOHL WAS OFTEN IN
BONN; MINISTER-PRESIDENT STOLTENBERG WAS ONLY
RARELY THERE.

(6) THE DATELINE ON DOCUMENTS, ESPECIALLY LEGISLATIVE
BILLS PREPARED FOR SIGNATURE, BUT ALSO FOR OTHER
DOCUMENTS, ALWAYS READS "BONN."

(7) INsofar AS THE INCAPACITATION OF THE FEDERAL
PRESIDENT IS PREDICTABLE, FOR EXAMPLE, ON ACCOUNT OF
TRIPS ABROAD OR VACATIONS, THERE ARE NORMALLY NO
FUNCTIONS SET UP IN WHICH THE FEDERAL PRESIDENT WOULD
PARTICIPATE. WHEN THE FEDERAL PRESIDENT FALLS ILL,
INVITATIONS ARE USUALLY DECLINED.

(8) EXERCISE OF THE AUTHORITY OF THE FEDERAL PRESIDENT
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CAN BECOME NECESSARY, HOWEVER, IN THE EVENT OF DEATH, CATASTROPHE, STATE HOLIDAYS, BIRTHDAYS OF FOREIGN HEADS OF STATE (TELEGRAMS OF SYMPATHY AND CONGRATULATIONS), OR THE SIGNATURE OF URGENT LAWS.

(9) THE FEDERAL PRESIDENT DOES NOT ACCEPT ANY INVITATIONS FROM EMBASSIES IN BONN ON THE OCCASION OF NATIONAL HOLIDAYS. APART FROM THE NEW YEAR'S RECEPTION, HE HIMSELF HAS NO OBLIGATIONS TO ISSUE INVITATIONS. HE IS ACTIVE VIS-A-VIS THE DIPLOMATIC CORPS FOR THE ACCREDITATION OF NEW AMBASSADORS AND FOR FAREWELL CALLS. HE ALSO SIGNS THE CREDENTIALS FOR AMBASSADORS OF THE FEDERAL REPUBLIC OF GERMANY.

(10) IN BERLIN THE FEDERAL PRESIDENT TRADITIONALLY ACTS AS SPONSOR OF "GREEN WEEK," FOR WHICH HE HOSTS A BANQUET FOR FOREIGN GUESTS. THERE IS ONE RELEVANT PRECEDENT. ONCE, WHEN THE FEDERAL PRESIDENT BECAME ILL, HE HAD THE FEDERAL MINISTER OF AGRICULTURE--NOT THE BUNDESRAT PRESIDENT--ACT IN HIS STEAD. APART FROM THIS, THE FEDERAL PRESIDENT USUALLY ACTS AS SPONSOR OF THE FILM FESTIVAL IN BERLIN. ANOTHER PRECEDENT IS THAT MINISTER-PRESIDENT VOGEL ONCE PARTICIPATED IN THE CATHOLIC CONGRESS IN BERLIN (WEST) IN JUNE 1977 AS ACTING FEDERAL PRESIDENT.

II. LIST OF SENSITIVE POINTS IN WHICH GOVERNING MAYOR STOBBE, AS PRESIDENT OF THE BUNDESRAT AND IN THE EXERCISE OF THE AUTHORITY OF THE FEDERAL PRESIDENT, COULD EXERCISE RESTRAINT

A. AS PRESIDENT OF THE BUNDESRAT

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-- THE GOVERNING MAYOR WILL BEHAVE "NORMALLY" ON THE OCCASION OF HIS ELECTION TO THE BUNDESRAT PRESIDENCY AND WILL NOT DEMONSTRATIVELY EXPLOIT HIS ELECTION.

-- HE WILL NOT "MAKE A TEST TRIP WITH HIS AUTO-MOBILE ON THE TRANSIT ROUTES," AND HE WILL AVOID TRAVELING THROUGH THE GDR BY LAND AT THE BEGINNING OF HIS TENURE AS BUNDESRAT PRESIDENT.

-- AS FAR AS AT ALL POSSIBLE, HE WILL PERFORM HIS
OFFICIAL FUNCTIONS AS BUNDESRAT PRESIDENT IN BONN. HE
WILL ALWAYS HAVE DOCUMENTS DATELINED "BONN." IN HIS

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CAPACITY AS BUNDESRAT PRESIDENT, HE WILL NOT GIVE ANY
PUBLIC STATEMENTS, INTERVIEWS, PRESS CONFERENCES, OR THE
LIKE IN BERLIN. IN PRESS CONFERENCES AND OTHER PUBLIC
STATEMENTS IN THE FRG, HE WILL TAKE INTO ACCOUNT THE
SENSITIVITY OF THE CONNECTION BETWEEN THE OFFICES HE
HOLDS.

-- DURING HIS TENURE AS BUNDESRAT PRESIDENT, THE
GOVERNING MAYOR WILL NOT UNDERTAKE ANY TRIPS TO EAST
EUROPEAN STATES, IN ORDER TO AVOID THE RISK OF BEING
DENIED ENTRY. IT WOULD BE A DIFFERENT MATTER, OF COURSE,
IN THE IMPROBABLE EVENT THAT HE RECEIVED AN OFFICIAL
INVITATION.

(--WE WILL HAVE TO EXAMINE WHAT OUR REACTION
SHOULD BE IN CASE THE GOVERNING MAYOR, AS BUNDESRAT
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PRESIDENT, IS NOT INVITED, FOR OBVIOUS POLITICAL
REASONS, TO PROMINENT FUNCTIONS HOSTED BY FOREIGNERS
IN THE FRG TO WHICH THE PRESIDENTS OF THE LEGISLATIVE
ORGANS ARE NORMALLY INVITED.)

B. AS ACTING FEDERAL PRESIDENT

-- THE GOVERNING MAYOR WILL ABSTAIN FROM ALL
ACTIVITIES IN BERLIN WHICH THE FEDERAL PRESIDENT, IN
CONSIDERATION OF THE QUADRIPARTITE AGREEMENT AND
POLITICAL OPPORTUNENESS ALSO DOES NOT
UNDERTAKE IN BERLIN (WEST).

-- BEYOND THIS, HE WILL TAKE INTO ACCOUNT THE
PARTICULAR SENSITIVITY WHICH IS RELATED TO THE CONNEC-
TION BETWEEN THE OFFICES OF GOVERNING MAYOR AND ACTING
FEDERAL PRESIDENT.

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